

**MORRISON & FOERSTER LLP**

Attorneys at Law  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

RECEIVED  
CENTRAL FAX CENTER

NOV 29 2004

**To:**

NAME:	FACSIMILE:	TELEPHONE:
Examiner A. Farah U.S. Patent and Trademark Office	703-872-9306	571-272-4765

**FROM:** Mika Mayer**DATE:** November 29, 2004

Number of pages with cover page:	13
----------------------------------	----

Preparer of this slip has confirmed that facsimile number given is correct: 7230/PME2

**CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

**Comments:**

**COURTESY COPY OF RESPONSE FILED VIA EXPRESS MAIL ON NOVEMBER 18, 2004**

Re: U.S. Patent Application No. 10/669,204  
Filing Date: September 23, 2003  
Inventor(s): Russell A. HOUSER et al.  
Examiner: A. Farah  
Art Unit: 3739  
Title: APPARATUS AND METHODS FOR TREATING TISSUE  
Attorney Docket No.: 509192000201

Dear Examiner Farah:

Enclosed please find a courtesy copy of the response filed on November 18, 2004 via Express Mail for the above-identified patent application. Included is a copy of the U.S. Postal receipt and Express Mail Label.

**Please acknowledge receipt via return facsimile**



Atty Docket No.: 509192000201  
 Inventor: Russell A. HOUSER et al.  
 Filing Date: September 23, 2003

Application No.: 10/669,204  
 Title: APPARATUS AND METHODS FOR TREATING TISSUE

# Documents Filed:

Transmittal - 1 page

Fee Transmittal + duplicate copy for fee processing - 2 pages

Amendment - 6 pages

Three Month Request for Extension of Time Under 37 CFR 1.136(e) - 1 page

Via: Express Mail: Airbill No. EV 537016634 US  
 Sender's Initials: MXM24/pme2  
 Date: November 18, 2004

pa-936594

EV537016634US

DOCKETED

PTO/SS/21 (09-04)

Approved for use through 07/31/2008. QMB 0661-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

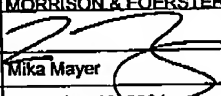
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/669,204	
		Filing Date	September 23, 2003	
		First Named Inventor	Russell A. HOUSER	
		Art Unit	3739	
		Examiner Name	A. Farah	
Total Number of Pages in This Submission		10	Attorney Docket Number	509192000201

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form + duplicate copy for fee processing - 2 pages <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - 6 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1 page <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
---	---	--

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MORRISON & FOERSTER LLP (Customer No. 252261)	
Signature		
Printed name	Mika Mayer	
Date	November 18, 2004	Reg. No. 47,777

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airmail No. EV 537016634 U.S. in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 18, 2004

Signature: 

(Tina B. Zimmerman)

RECEIVED  
CENTRAL FAX CENTER @007

NOV 29 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airmail No. EY 537018634 US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 18, 2004

Signature: 

(Tia B. Zimmerman)

Docket No.: 509192000201  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Russell A. HOUSER et al.

Application No.: 10/669,204

Art Unit: 3739

Filed: September 23, 2003

Examiner: A. Farah

For: APPARATUS AND METHODS FOR  
TREATING TISSUE

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the non-final Office Action dated May 18, 2004, for which a response was due on August 18, 2004. Filed herewith is a Petition and fee for a three month (3-month) extension of time, thereby extending the deadline for response up to and including November 18, 2004. Accordingly, this response is timely filed. Amendments to the claims are reflected in the Listing of Claims, which begins on page 2. The remarks begin on page 4. Reconsideration and allowance of the pending claims, in light of the amendments and remarks presented herein is respectfully requested.

pa-890737